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Evenson, McKeown, Edwards & Lenahan, P.L.L.C.  
1200 G Street, N.W., Suite 700  
Washington, DC 20005

In re Application of STEMPLE  
U.S. Application No.: 09/743,480  
Indicated Int. Application No.: PCT/EP99/04849  
Indicated Int. Filing Date: 09 July 1999  
Indicated Priority Date: 10 July 1998  
Attorney Docket No.: 3701/49519  
For: SYSTEM FOR DETERMINING THE  
CARBON DIOXIDE CONTENT OF  
EXHALED BREATHING AIR

COMMUNICATION

The above-identified application is before the PCT Legal Office for consideration of issues arising under 37 U.S.C. 371.

### **BACKGROUND**

On 10 January 2001, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission included, *inter alia*, a Transmittal Letter (Form PTO-1390), a purported translation of the international application, an unsigned declaration, and the basic national fee.

### **DISCUSSION**

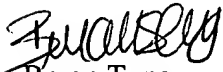
Both the Transmittal Letter and declaration filed on 10 January 2001 list PCT/EP99/04849 as the International Application Number. However, the title of invention, International Filing Date, priority date, and name of applicant listed on the Transmittal Letter do not correspond with International Application Number PCT/EP99/04849. In addition, the International Filing Date, name of applicant, and priority application number listed on the declaration do not correspond with International Application Number PCT/EP99/04849. Furthermore, the purported translation of the international application does not appear to correspond with International Application Number PCT/EP99/04849. Moreover, the copy of Form PCT/IB/308 accompanying the national stage papers identifies a different International Application Number, i.e. PCT/EP99/04840. Additionally, U.S. national stage papers for PCT/EP99/04849 have been filed and assigned U.S. application number 09/744,444.

**CONCLUSION**

Applicant is required to file a reply to this communication resolving the above-stated inconsistency. A proper reply would be a petition to correct the Transmittal Letter under 37 CFR 1.182 along with the petition fee set forth in 37 CFR 1.17(h).

A proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in abandonment of the application.

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.



Bryan Tung  
PCT Legal Examiner  
PCT Legal Office



Boris Milef  
PCT Legal Examiner  
PCT Legal Office

Telephone: 703-308-6614  
Facsimile: 703-308-6459